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Dated: December 20, 2004

Signature:

(Raymond W. Augustin)

EXPEDITED PROCEDURE

Group Art Unit: 3738

Docket No.: SPINE 3.0-2144 DIV II

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lance Middleton

Application No.: 10/672,327

Group Art Unit: 3738

Filed: September 26, 2003

::: Examiner: B. E. Snow

For: ARTIFICIAL INTERVERTEBRAL DISC

AMENDMENT UNDER 37 CFR 1.116

MS AF

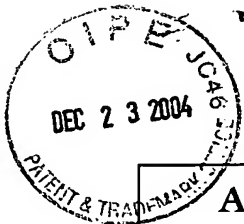
Commissioner for Patents

P.O. Box 1450

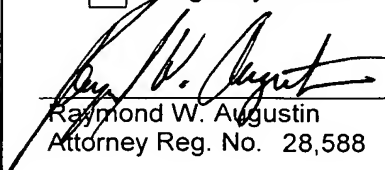
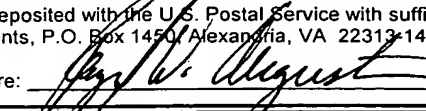
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated October 13, 2004, finally rejecting claims 1-15, and 17-21, please amend the above-identified U.S. patent application as follows:



AF
IFW

AMENDMENT TRANSMITTAL LETTER				After Final Rejection	
Application No. 10/672,327		Filing Date September 26, 2003		Examiner B. E. Snow	
				Group Art Unit 3738	
Applicant(s): Lance Middleton				Docket No. SPINE 3.0-2144 DIV II	
Invention: ARTIFICIAL INTERVERTEBRAL DISC					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	20	- 21 =		x	
Independent Claims	4	- 4 =		x	
Multiple Dependent Claims (check if applicable)				<input type="checkbox"/>	
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. <u>12-1095</u> in the amount of _____ A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. <u>12-1095</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 Raymond W. Augustin Attorney Reg. No. 28,588				Dated: <u>December 20, 2004</u>	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090 (908) 518-6318					
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.					
Dated: December 20, 2004		Signature:  (Raymond W. Augustin)			